

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8**

**AK STEEL CORPORATION,
COSHOCOTON WORKS**

Employer

and

Case No. 8-RC-16427

**INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE, AND
AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA, UAW**

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board, hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.¹

The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

¹ The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein. The labor organization involved claims to represent certain employees of the Employer. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act. The Employer filed a post-hearing brief which I have considered.

All full-time and regular part-time production and maintenance employees, employed by the Employer at its Coshocton, Ohio, facility, including all step-up foremen, safety coordinators, quality auditors, quality area assistants, scrap lead man, and water technicians, but excluding all temporary contract employees, and office/ clerical employees, and all professional employees, guards and supervisors, as defined in the Act.

Approximately 460 are in the unit found to be appropriate.

I. THE ISSUE

The sole issue presented at the hearing involves the supervisory status of the positions “step-up foremen” and of “lead scrapman.” While both parties agree that these positions are not supervisory and that the employees occupying these positions share a community of interest with the other petitioned-for employees, the Employer would not execute a stipulated election agreement as it desired to have a finding on these classifications in a Decision and Direction of Election.

II. DECISION SUMMARY

I find the petitioned-for production and maintenance unit to be an appropriate unit.² Further, I find that the step-up foremen and lead scrap man are not supervisors within the meaning of Section 2(11) of the Act and that they share a community of interest with the other petitioned-for employees. Accordingly, they are included in the unit found appropriate.

III. THE FACTS

The Employer is engaged in the manufacture of flat rolled stainless steel at its 17400 State Route 16, Coshocton, Ohio facility, the only location involved here.

There are currently five step-up foremen and one lead scrapman employed by the Employer. The record reflects that step-up foremen substitute for regular shift managers while such individuals are on vacation or are assigned to special projects. When not working as step-up foremen, these employees work on regular production jobs.

The Employer employs four scrapmen at its facility. The lead scrapman acts as a conduit between the work force coordinator and the other scrapmen regarding proper scrap collection procedures. This is the only distinction between the lead scrapman and the other employees in that classification with respect to duties. The lead scrapman is paid two labor grades higher than the other employees in that classification.

IV. ANALYSIS

As noted above, the parties are in agreement regarding the unit inclusion of the step-up foremen and the lead scrapman. At the hearing the Employer produced evidence establishing that neither the step-up foremen nor the lead scrap man have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline employees or effectively recommend such action, nor do they have the authority to responsibly direct employees or to adjust grievances. Based on the evidence, I find that neither step-up foremen nor the lead scrapman are supervisors within the meaning of Section 2(11) of the Act. I also find the

² The parties are in agreement that the unit is an appropriate unit.

employees in those classifications share a community of interest with the other unit employees and I shall include them in the unit.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's rules and Regulations. Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by International Union, United Automobile, Aerospace, Agricultural Implement Workers of America, UAW.

LIST OF VOTERS

In order to ensure that all eligible voters have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a

list of voters and their addresses that may be used to communicate with them. **Excelsior Underwear Inc.**, 156 NLRB 1236 (1966); **N.L.R.B. v. Wyman-Gordon Co.**, 394 U.S. 759 (1969). Accordingly, it is directed that an eligibility list containing the **full** names and addresses of all eligible voters must be filed by the Employer with the Regional Director within 7 days from the date of this decision. **North Macon Health Care Facility**, 315 NLRB 359 (1994). The Regional Director shall make the list available to all parties to the election. No extension of time to file the list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington, by Thursday, September 5, 2002.

Dated at Cleveland, Ohio this **21st** of August 2002.

Frederick J. Calatrello, Regional Director
National Labor Relations Board
Region 8

